

**MILITARY WHISTLEBLOWER REPRISAL INVESTIGATION  
NAVY HOTLINE COMPLAINT  
(201102849)**

1. **Purpose.** To conduct a Military Whistleblower Reprisal Investigation IAW: 10 USC Section 1034, DoD Directive 7050.06, SECNAVINST 5370.7C, and SECNAVINST 5370.5B.

2. **Introduction.**

a. Complainant Name/Rank or Grade/Service

(1) Name: (b)(6) (b)(7)(c)

(2) Rank/Grade: (b)(6) (b)(7)(c) U.S. Navy

b. Job Title/Duty Location/Current Contact Information:

(1) Job Position: Instructor

(2) Duty Location: Navy Reserve Naval Education and Training Command Detachment Norfolk (NR NETC Det Norfolk), Virginia

(3) Contact Information:

Address: (b)(6) (b)(7)(c)

Phone: (b)(6) (b)(7)(c) (cell)  
(b)(6) (b)(7)(c) (home)

Email: (b)(6) (b)(7)(c)@(b)(6) (b)(7)(c).net

c. (b)(6) (b)(7)(c) was a (b)(6) (b)(7)(c) officer assigned to (b)(6) (b)(7)(c) Norfolk during the time of the alleged reprisal. (b)(6) (b)(7)(c) Norfolk provides (b)(6) (b)(7)(c) to assist in the (b)(6) (b)(7)(c) of students attending the Direct Commission Officer Indoctrination Course (DCOIC), managed by Officer Training Command (OTC), Newport, Rhode Island. (b)(6) (b)(7)(c) Norfolk serves as a force provider to its supported command, OTC. As an (b)(6) (b)(7)(c) Norfolk (b)(6) (b)(7)(c), (b)(6) (b)(7)(c) received official orders to OTC from 14 March 2010 to 19 March 2010 and again from 24 May 2010 to 28 May 2010. Prior to being dismissed as a DCOIC (b)(6) (b)(7)(c), OTC was the principle-supported command where

~~FOR OFFICIAL USE ONLY - PRIVACY SENSITIVE~~

~~Any misuse or unauthorized disclosure may result in both  
civil and criminal penalties~~

(b)(6) (b)(7)(c) carried out her primary duty as (b)(6) (b)(7)(c). Following her dismissal, her military colleagues at (b)(6) (b)(7)(c) Norfolk continued to (b)(6) (b)(7)(c) at OTC.

d. On 6 September 2011, (b)(6) (b)(7)(c) filed a Military Whistleblower Reprisal complaint with Commander, Navy Reserve Force Office of the Inspector General (CNRF IG). CNRF IG assigned case number 201102849 to track and manage the complaint. (TAB 1)

e. On 19 September 2011, CNRF IG forwarded a Report of Reprisal Allegations to the Office of the Naval Inspector General (NAVINSGEN). That same day, NAVINSGEN directed CNRF IG to conduct a Preliminary Inquiry (PI). (TAB 2)

f. On 27 December 2011, CNRF IG forwarded the completed PI to NAVINSGEN for review. (TAB 4)

g. On 29 December 2011, NAVINSGEN directed CNRF IG to conduct a full Military Whistleblower Reprisal Investigation into the following allegations of reprisal:

(1) That, in June 2010, (b)(6) (b)(7)(c) (b)(6) (b)(7)(c) Officer Training Command (OTC), Newport, Rhode Island, directed (b)(6) (b)(7)(c), (b)(6) (b)(7)(c) Norfolk, to remove (b)(6) (b)(7)(c) name from the schedule to (b)(6) (b)(7)(c) the Direct Commission Officer Indoctrination Course (DCOIC) at OTC in reprisal for having made one or more protected communications, in violation of DoD Directive 7050.06, Military Whistleblower Protection (dated 23 July 2007).

(a) The allegation was determined to be **SUBSTANTIATED**.

(2) That, in June 2010, (b)(6) (b)(7)(c) (b)(6) (b)(7)(c) Norfolk, removed (b)(6) (b)(7)(c) name from the schedule to (b)(6) (b)(7)(c) the Direct Commission Officer Indoctrination Course (DCOIC) at OTC in reprisal for having made one or more protected communications, in violation of DoD Directive 7050.06, Military Whistleblower Protection (dated 23 July 2007).

(a) The allegation was determined to be **NOT SUBSTANTIATED**.

(3) That, on or about 15 June 2010, (b)(6) (b)(7)(c) (b)(6) (b)(7)(c) HQ, influenced (b)(6) (b)(7)(c) 23 May 2011 Fitness Report, in violation of DoD Directive 7050.06, Military Whistleblower Protection (dated 23 July 2007).

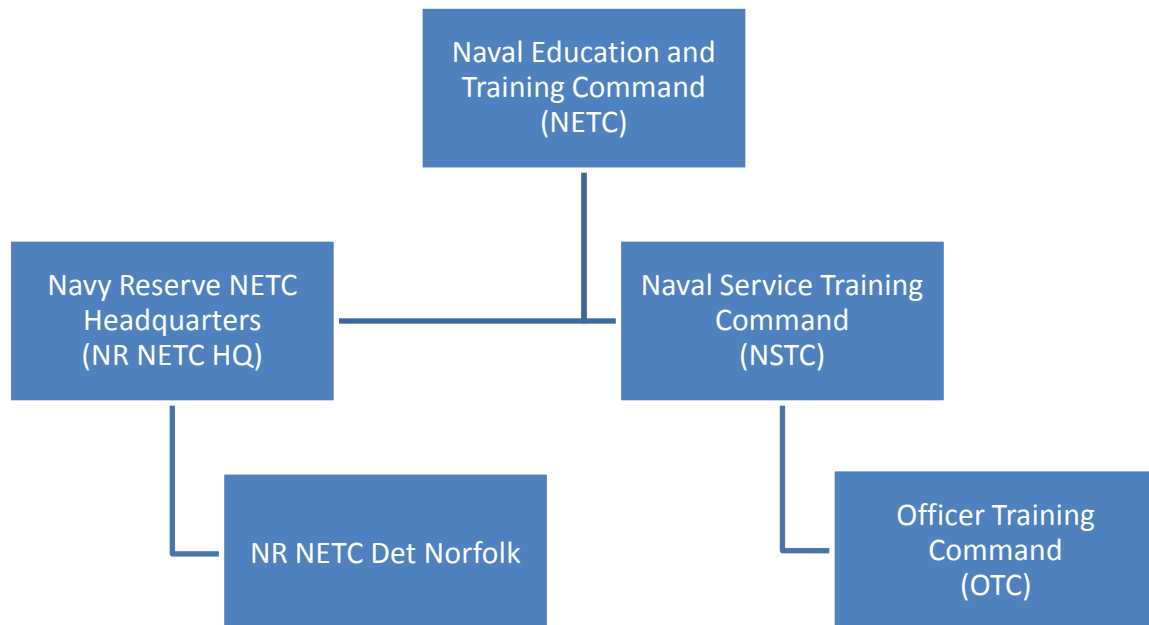
(a) The allegation was determined to be **NOT SUBSTANTIATED**.

(4) That, on 23 May 2011, (b)(6) (b)(7)(c) (b)(6) (b)(7)(c) Norfolk, issued an unfavorable Fitness Report to (b)(6) (b)(7)(c) in reprisal for having made one or more protected communications, in violation of DoD Directive 7050.06, Military Whistleblower Protection (dated 23 July 2007).

(a) The allegation was determined to be **SUBSTANTIATED**.

### 3. **Background**

a. Due to the large number of personnel mentioned in this report, the following information is provided to assist the reader:



(1) **NAVAL EDUCATION AND TRAINING COMMAND (NETC)**

(a) Rear Admiral Joseph Kilkenny, CO

(2) **NAVY RESERVE NAVAL EDUCATION AND TRAINING  
COMMAND HEADQUARTERS (NR NETC HQ)**

(a) (b)(6) (b)(7)(c) [REDACTED]

(b) (b)(6) (b)(7)(c) [REDACTED]

(3) **NAVAL SERVICE TRAINING COMMAND (NSTC)**

(a) (b)(6) (b)(7)(c) [REDACTED]

(4) **NR NETC DET NORFOLK**

(a) (b)(6) (b)(7)(c) [REDACTED]

(b) (b)(6) (b)(7)(c) [REDACTED]

(c) (b)(6) (b)(7)(c) [REDACTED]

(d) (b)(6) (b)(7)(c) [REDACTED]

(5) **OFFICER TRAINING COMMAND (OTC)**

(a) (b)(6) (b)(7)(c) [REDACTED]

(b) (b)(6) (b)(7)(c) [REDACTED]

(c) (b)(6) (b)(7)(c) [REDACTED]

(d) (b)(6) (b)(7)(c) [REDACTED]

Other personnel mentioned in this report include:

(6) **NAVY RECRUITING COMMAND (NRC)**

(a) Rear Admiral Robin Graf, Deputy Commander

(7) **OFFICE OF THE CHIEF OF NAVY RESERVE (OCNR)**

(a) Rear Admiral Garland P. Wright, Jr, Deputy Chief of Navy Reserve

(8) **COMMANDER, NAVY RESERVE FORCE (CNRF)**

(a) (b)(6) (b)(7)(c)

b. According to the DCOIC website:

The Direct Commission Officer Indoctrination Course is the foundation for your success as a member of the Naval Officer Corps. The course is comprehensive, intense, and designed to facilitate your introduction to your responsibilities as a naval officer. The course will also introduce the newly commissioned officer to the military structure of the United States Navy, the rich history of traditions and customs, our legal system and finally, military etiquette. DCOIC is extremely demanding both physically and mentally. <<http://www.ocs.navy.mil/dcoic.asp>>

c. In (b)(6) (b)(7)(c) attended the DCOIC course as a (b)(6) (b)(7)(c). From (b)(6) (b)(7)(c), she was the DCOIC (b)(6) (b)(7)(c). At that time, the schoolhouse was located in Pensacola, Florida.

d. (b)(6) (b)(7)(c) holds a (b)(6) (b)(7)(c) and has been awarded the Navy designation of (b)(6) (b)(7)(c). Prior to retiring from her civilian employer, she had been a (b)(6) (b)(7)(c). (b)(6) (b)(7)(c) was transferred to (b)(6) (b)(7)(c).

**4. Protected Communications (PC):** DoD Directive 7050.06 Military Whistleblower Protection (23 July 2008) defines Protected Communication as:

Any lawful communication to a Member of Congress or an IG. A communication in which a member of the Armed Forces communicates information that the member reasonably believes evidences a violation of law or regulation, including a law or regulation

prohibiting sexual harassment or unlawful discrimination, gross mismanagement, a gross waste of funds or other resources, an abuse of authority, or a substantial and specific danger to public health or safety, when such communication is made to any of the following: A Member of Congress, an IG, or a member of a DoD audit, inspection, investigation, or law enforcement organization. Any person or organization in the chain of command; or any other person designated pursuant to regulations or other established administrative procedures to receive such communications.

a. **PC 1:** According to (b)(6) (b)(7)(c), in March 2010, while on orders to OTC, she spoke with the (b)(6) (b)(7)(c) (b)(6) (b)(7)(c) and disclosed that she had observed verbal maltreatment and disrespect of DCOIC students by (b)(6) (b)(7)(c) (b)(6) (b)(7)(c) OTC. As (b)(6) (b)(7)(c) reasonably believed that (b)(6) (b)(7)(c) actions evidenced a violation of law or regulation, and as she disclosed these alleged violations to "Any person or organization in the chain of command" (DoDD 7050.06), her conversation is considered a protected communication. [SKE 1]

b. **PC 1 Disposition:** As (b)(6) (b)(7)(c) account included elements contrary to the Department of the Navy's Policy on Hazing (SECNAVINST 1610.2A), CNRF IG documented the available facts in a Memorandum for the Record, initiated case number 201300078, and transferred the case to NETC IG as a matter under their cognizance. NETC IG reviewed the case, contacted OTC, determined that the case did not warrant an IG investigation, and closed the case. See CNRF IG Memorandum for the Record dated 8 January 2013. No other action is known to have been taken as a result of this communication. (TAB 5)

c. **PC 2** Following her return from the March 2010 DCOIC course, (b)(6) (b)(7)(c) spoke with (b)(6) (b)(7)(c), (b)(6) (b)(7)(c) Norfolk, and disclosed that she had observed verbal maltreatment and disrespect of DCOIC students by (b)(6) (b)(7)(c). As (b)(6) (b)(7)(c) reasonably believed that (b)(6) (b)(7)(c) actions evidenced a violation of law or regulation, and as she disclosed these alleged violations to "Any person or organization in the chain of command" (DoDD 7050.06), her conversation is considered a protected communication. [SKE 2]

d. **PC 2 Disposition:** As a result of this communication, (b)(6) (b)(7)(c) contacted her point of contact at OTC, (b)(6) (b)(7)(c). According to (b)(6) (b)(7)(c):

...indicated that much of this was done for sailorization/militarization and to foster team work amongst the class. He indicated that if there were further concerns, that we should address them with his chain of command. (Email from (b)(6) (b)(6) (b)(7)(c), 15 June 2010) (TAB 13)

No other action is known to have been taken as a result of this communication.

e. **PC 3:** According to (b)(6) (b)(7)(c), in April 2010, she spoke with Rear Admiral Garland Wright, Jr, (then) Deputy Chief of the Navy Reserve,<sup>1</sup> during a conference and disclosed that she had observed verbal maltreatment and disrespect of DCOIC students by (b)(6) (b)(7)(c). As (b)(6) (b)(6) (b)(7)(c) reasonably believed that (b)(6) (b)(7)(c)' actions evidenced a violation of law or regulation, and as she disclosed these alleged violations to "Any person or organization in the chain of command" (DoDD 7050.06), her conversation is considered a protected communication. [SKE 3]

f. **PC 3 Disposition:** According to (b)(6) (b)(7)(c), (b)(6) (b)(7)(c) Admiral Wright suggested that she forward her concerns via email to Rear Admiral Robin Graf, Deputy, Navy Recruiting Command. No other action is known to have been taken as a result of this communication.

g. **PC 4:** According to (b)(6) (b)(7)(c), in May 2010, she emailed Rear Admiral Robin Graf, Deputy, Navy Recruiting Command, concerning specific events she had witnessed at the DCOIC course. Specifically, (b)(6) (b)(7)(c)' email includes allegations of Fraud, Waste, and Abuse, and allegations of enlisted personnel treating commissioned officers "in a degrading manner." As indicated in (b)(6) (b)(6) (b)(7)(c) email dated 1 June 2010 to (b)(6) (b)(7)(c), (b)(6) (b)(7)(c), Commander, Navy Reserve Force (CNRF), she also carbon copied (CCed) Rear Admiral Garland P. Wright, Jr, Deputy Chief of Navy Reserve. As (b)(6) (b)(7)(c)' CCing Rear

---

<sup>1</sup> At the time of the communication, Rear Admiral Wright was assigned as Deputy Chief of the Navy Reserve; therefore, he is considered part of (b)(6) (b)(7)(c)' administrative chain of command.

Admiral Wright represents "A communication in which a member of the Armed Forces communicates information that the member reasonably believes evidences a violation of law or regulation" (DoDD 7050.06), and as Rear Admiral Wright represents a "person or organization in the chain of command" (DoDD 7050.06), this email is considered a protected communication. [SKE 4] (TABs 8 & 13)

h. **PC 4 Disposition:** According to (b)(6) (b)(7)(c), Rear Admiral Graf did not reply to her email. No other action is known to have been taken as a result of this communication.

i. **PC 5:** According to (b)(6) (b)(7)(c), in May or June 2010, she disclosed via phone to (b)(6) (b)(7)(c), (b)(6) (b)(7)(c), CNRF,<sup>2</sup> that she had observed verbal maltreatment and disrespect of DCOIC students by (b)(6) (b)(7)(c). Following this phone conversation, (b)(6) (b)(7)(c) sent an email to (b)(6) (b)(7)(c), which included her observations from the DCOIC class. As (b)(6) (b)(7)(c) reasonably believed that (b)(6) (b)(7)(c) actions evidenced a violation of law or regulation, and as she disclosed these alleged violations to "Any person or organization in the chain of command" (DoDD 7050.06), her conversation is considered a protected communication. [SKE 5] (TAB 8)

j. **PC 5 Disposition:** According to (b)(6) (b)(7)(c), on or about 1 June 2010, she phoned (b)(6) (b)(7)(c), OTC, and relayed (b)(6) (b)(7)(c)' concerns. According to (b)(6) (b)(7)(c), (b)(6) (b)(7)(c) forwarded (b)(6) (b)(7)(c)' email to her. [SKE 6]

k. **PC 6:** In August 2011, (b)(6) (b)(7)(c) met with (b)(6) (b)(7)(c), (b)(6) (b)(7)(c) CNRF IG, and informally disclosed allegations of reprisal. As (b)(6) (b)(7)(c) had made a "lawful communication to...an IG" (DoDD 7050.06), her conversation is considered a protected communication. [SKE 11]

l. **PC 6 Disposition:** Between 23 August 2011 and 7 September 2011, (b)(6) (b)(7)(c) emailed information to (b)(6) (b)(7)(c)

---

<sup>2</sup> Although (b)(6) (b)(7)(c) approached (b)(6) (b)(7)(c) as a (b)(6) (b)(7)(c), (b)(6) (b)(7)(c), the fact that (b)(6) (b)(7)(c) is assigned to CNRF makes her part of (b)(6) (b)(7)(c)' administrative chain of command.



(b)(6) (b)(7)(c) related to her 30 May 2011 Fitness Report. As (b)(6) (b)(7)(c) had yet to formally report a complaint of reprisal, CNRF IG did not open a case until 6 September 2011 (when she filed a Complaint of Reprisal with CNRF IG).

m. **PC 7:** On 6 September 2011, (b)(6) (b)(7)(c) filed a Complaint of Reprisal with CNRF IG. As (b)(6) (b)(7)(c) made a "lawful communication to...an IG" (DoDD 7050.06), her communication is considered a protected communication. [SKE 12] (TAB 1)

n. **PC 7 Disposition:** As a result of this communication, CNRF IG initiated case number 201102849, forwarded a Report of Reprisal Allegations to NAVINSGEN, conducted a Preliminary Inquiry, and completed a full Military Whistleblower Reprisal Investigation.

##### **5. Unfavorable Personnel Action(s) / Responsible Management Officials / Prior Knowledge:**

a. DoD Directive 7050.06 Military Whistleblower Protection (23 July 2008) defines Personnel Action as:

Any action taken on a member of the Armed Forces that affects, or has the potential to affect, that military member's current position or career. Such actions include a promotion; a disciplinary or other corrective action; a transfer or reassignment; a performance evaluation; a decision on pay, benefits, awards, or training; referral for mental health evaluations under DoD Directive 6490.1 (Reference (g)); and any other significant change in duties or responsibilities inconsistent with the military member's grade.

<b>Date: Unfavorable Personnel Action(s)</b>	<b>Responsible Management Officials(s) (RMO)</b>	<b>RMO Knowledge of PC(s) Before Taking UPA Ans: Yes, No, or Unk</b>
<b>UPA 1</b> Removed from DCOIC (b)(6) (b)(7)(c) Duties (June (c) 2010)	(b)(6) (b)(7)(c), OTC  (b)(6) (b)(7)(c), (b)(6) (b)(7)(c) Norfolk	Yes  Yes
<b>UPA 2</b> Influenced (b)(6) (b)(7)(c), 23 May 2011 Fitness Report (15 June 2010)	(b)(6) (b)(7)(c), (b)(6) (b)(7)(c) HQ	Yes
<b>UPA 3</b> Issued an Unfavorable FITREP (23 May 2011)	(b)(6) (b)(7)(c), (b)(6) (b)(7)(c) Norfolk	Yes

b. As mentioned in the Preliminary Inquiry conducted by CNRF IG, on 17 June 2010, (b)(6) (b)(7)(c) emailed (b)(6) (b)(7)(c) (b)(6) (b)(7)(c) Norfolk, and informed (b)(6) (b)(7)(c) that she (b)(6) (b)(7)(c) ) had submitted requests for orders from 12 to 16 July 2010 and from 23 to 27 August 2010. On 18 June 2010, (b)(6) (b)(7)(c) responded to (b)(6) (b)(7)(c) ' email directing (b)(6) (b)(7)(c) to "not make any commitments for the classes below or in FY 2011 until you have the green light from me." (b)(6) (b)(7)(c) views this email as evidence that (b)(6) (b)(7)(c) withheld a favorable personnel action from her in reprisal. In the Preliminary Inquiry, CNRF IG recommended that the allegation warranted further investigation; however, after submitting the Preliminary Inquiry, CNRF IG obtained copies of (b)(6) (b)(7)(c) ' official orders and discovered that (b)(6) (b)(7)(c) had both received and executed orders from 11 to 16 July 2010 and from 23 to 26 August 2010. Therefore, as an unfavorable personnel action (as defined in DoDD 7050.06) does not exist, CNRF IG determined that further investigation was not warranted. (TABS 7 & 14)

c. Also mentioned in the Preliminary Inquiry, on or about 30 November 2011, (b)(6) (b)(7)(c) (b)(6) (b)(7)(c) Norfolk, issued a Fitness Report (FITREP) to (b)(6) (b)(7)(c) (b)(6) (b)(7)(c) for the period 1 May 2011 to 30 November 2011. The Official Record Copy indicates that the Promotion Recommendation (block 42) was changed from "(b)(6) (b)(7)(c) " to (b)(6) (b)(7)(c) <sup>3</sup> Although (b)(6) (b)(7)(c) never alleged that this change was made in reprisal, as a matter of due diligence, CNRF IG inquired into the particulars of the change and discovered that the Fitness Report in question (along with two other (b)(6) (b)(7)(c) from the same unit) had been rejected by the Bureau of Naval Personnel, PERS-32, on 5 December 2011 for errors. According to PERS-32, the Fitness Reports were rejected because the three subordinate officers were required to be grouped together in accordance

---

<sup>3</sup> BUPERSINST 1610.10C, Navy Performance Evaluation System states: *The system utilizes a FITREP for officers (W2-O6)....Performance traits are graded on a 5-point scale, from 1.0 (lowest) to 5.0 (highest), using performance standards printed on the forms. The performance trait grade of 3.0 represents performance to full Navy standards. Higher grades are reserved for performance which significantly exceeds standards. All forms provide a 5-step promotion recommendation scale: "Significant Problems," "Progressing," "Promotable," "Must Promote," and "Early Promote."*

with the Navy Performance Evaluation System, BUPERSINST 1610.10C, Table 1-4. Accordingly, the Fitness Reports in question were adjusted, resubmitted, and ultimately accepted by PERS-32. As the changes were made in order to comply with BUPERSINST 1610.10C, CNRF IG determined that further investigation was not warranted. (TABs 21 & 26)

**6. Does the evidence establish that the personnel action would have been taken, withheld, or threatened if the protected communication had not been made? NO.**

**a. UPA 1: Removed from DCOIC Instructor Duties (June 2010).** The evidence established that the personnel action would NOT have been taken if the protected communication(s) had not been made.

(1) According to (b)(6) (b)(7)(c), on or about June 2010, (b)(6) (b)(7)(c) Norfolk, told (b)(6) (b)(7)(c) she "had been 'uninvited back' to instruct the DCO [Direct Commission Officer] course" (Original Complaint, p. 1). This alleged action reflects a "significant change in duties or responsibilities inconsistent with the military member's grade" (DoDD 7050.06), which affects or has the potential to affect the military member's current position or career. As such, (b)(6) (b)(7)(c) views this action as an unfavorable personnel action taken in reprisal for having made one or more protected communications. This complaint of reprisal was originally reported to CNRF IG on 6 September 2011 (approximately **445 days after** the personnel action took place). [SKE 7] (TAB 1)

(2) Although (b)(6) (b)(7)(c)' complaint of reprisal was made to an authorized IG more than 60 days after she had become aware of the personnel action, CNRF IG discovered significant evidence to warrant further investigation. Specifically, CNRF IG discovered that (b)(6) (b)(7)(c) instructions to (b)(6) (b)(7)(c) were at the direction of (b)(6) (b)(7)(c), OTC; and that there was a direct link between (b)(6) (b)(7)(c)' 1 June 2010 protected communication and (b)(6) (b)(7)(c). Once this fact was established, CNRF IG named (b)(6) (b)(7)(c) as a subject of the investigation due to her alleged role as "the official(s) who decided to take, withhold, or threaten the personnel action" (IGDG 7050.6, Guide to Military Reprisal Investigations).

(3) **Synopsis of UPA 1:** As will be demonstrated below, (b)(6) (b)(7)(c) decided to take, withhold, or threaten a personnel action against (b)(6) (b)(7)(c) for making or preparing to make a protected communication. On 1 June 2010, (b)(6) (b)(7)(c) communicated with (b)(6) (b)(7)(c), (b)(6) (b)(7)(c), CNRF, concerning alleged violations involving personnel associated with DCOIC. During this same communication, (b)(6) (b)(7)(c) also disclosed that she had previously sent an email to Rear Admiral Robin Graf, Deputy, Navy Recruiting Command and CCed Rear Admiral Garland P. Wright, Jr, Deputy Chief of Navy Reserve, concerning DCOIC. That same day, (b)(6) (b)(7)(c) contacted (b)(6) (b)(7)(c) OTC, to discuss (b)(6) (b)(7)(c)' concerns; which, according to (b)(6) (b)(7)(c), "sounded like old school hazing to me" (TAB 27, (b)(6) (b)(7)(c) Transcript, 8 February 2012, page 3). Following this exchange, according to (b)(6) (b)(7)(c) (b)(6) (b)(7)(c) Norfolk, (b)(6) (b)(7)(c) ...made a decision and told me to remove (b)(6) (b)(7)(c) from (b)(6) (b)(7)(c) the Direct Commission Officer Course.... (b)(6) (b)(7)(c) " (TAB 24, Email from (b)(6) (b)(7)(c) to CNRF IG dated 22 March 2012). According to (b)(6) (b)(7)(c), this communication from (b)(6) (b)(7)(c) occurred within a few days of (b)(6) (b)(7)(c) communication with (b)(6) (b)(7)(c) (1 June 2010), but before 14 June 2010 (the date (b)(6) (b)(7)(c) forwarded to (b)(6) (b)(7)(c) the email she had sent to Rear Admiral Graf). (b)(6) (b)(7)(c) later admitted to CNRF IG that OTC "might have influenced the decision" (regarding (b)(6) (b)(7)(c)) and that (b)(6) (b)(7)(c)' going outside of the chain of command "was ancillary...it was separate but related" to the decision (TAB 25, (b)(6) (b)(7)(c) Transcript, 14 March 2012, p. 17).

(4) According to her official orders, (b)(6) (b)(7)(c) received orders to report for annual training to the Commanding Officer of Officer Training Command no later than 15 March 2010 for duty with DCOIC. The period of duty for these orders was 14 March 2010 to 19 March 2010. (TAB 7)

(5) According to (b)(6) (b)(7)(c), at the conclusion of the March 2010 DCOIC course, she spoke with the (b)(6) (b)(7)(c) (b)(6) (b)(7)(c) of OTC, (b)(6) (b)(7)(c), and disclosed that she had observed verbal maltreatment and disrespect of DCOIC students by (b)(6) (b)(7)(c). [SKE 1]

(6) Following the March 2010 DCOIC course, (b)(6) (b)(7)(c) spoke with (b)(6) (b)(7)(c)

Norfolk, and disclosed that she had observed verbal maltreatment and disrespect of DCOIC students by (b)(6) (b)(7)(c) [SKE 2]

(7) According to (b)(6) (b)(7)(c) in April 2010, she spoke with Rear Admiral Garland Wright, Jr, (then) Deputy Chief of the Navy Reserve, during a conference and disclosed to him that she had observed verbal maltreatment and disrespect of DCOIC students by (b)(6) (b)(7)(c). [SKE 3]

(8) According to (b)(6) (b)(7)(c), in May 2010, at the suggestion of Rear Admiral Wright, she emailed Rear Admiral Robin Graf, Deputy, Navy Recruiting Command and CCed Rear Admiral Garland Wright, Jr, Deputy Chief of the Navy Reserve, concerning the DCOIC course. [SKE 4] (TABs 8 & 13)

(9) According to her official orders, (b)(6) (b)(7)(c) received orders to report for Active Duty for Training (ADT) Special to the Commanding Officer of Officer Training Command no later than 24 May 2010. The period of duty for these orders was 24 May 2010 to 28 May 2010. (TAB 7)

(10) Following the May DCOIC class, (b)(6) (b)(7)(c) contacted (b)(6) (b)(7)(c), CNRF, and disclosed that she had observed verbal maltreatment and disrespect of DCOIC students by (b)(6) (b)(7)(c). [SKE 5]

(11) In an email to (b)(6) (b)(7)(c) (dated 1 June 2010), (b)(6) (b)(7)(c) describes her observations of the May 2010 DCOIC class<sup>4</sup> in the following manner: "On Thurs[day] noon was their first meal allowed without holding knowledge books in front of them...." Further in the email, (b)(6) (b)(7)(c) writes:

(b)(6) (b)(7)(c)

<sup>4</sup> As posted on the DCOIC website: "The purpose of this course is to provide Direct Commissioned Reserve Officers Military Indoctrination Training necessary to prepare them to function in their role as newly commissioned Naval Officer [sic]. It provides a basic introduction into fundamental aspects of leadership while providing a working knowledge of available references." Last modified 6/23/2011. <[http://www.ocs.navy.mil/dcoic\\_program\\_overview.asp](http://www.ocs.navy.mil/dcoic_program_overview.asp)>

(b)(6) (b)(7)(c) continues:

(b)(6) (b)(7)(c)

(TAB 8)

(12) CNRF IG determined that (b)(6) (b)(7)(c) did not provide consistent statements when providing testimony regarding her reason for requesting (b)(6) (b)(7)(c) removal from OTC as will be demonstrated below.

(13) As a matter of due diligence, CNRF IG contacted four students (who had attended DCOIC in early 2010) and one OTC staff member concerning (b)(6) (b)(7)(c), perceptions regarding (b)(6) (b)(7)(c) and practices at DCOIC. The interviews were consistent with (b)(6) (b)(7)(c) perceptions. On 14 March 2012, CNRF IG conducted an interview with (b)(6) (b)(7)(c). Prior to the interview, in the presence of Commander, Naval Special Warfare Command Office of the Inspector General, (b)(6) (b)(7)(c) was presented her Article 31(b) Rights Warnings, which she acknowledged and waived her right to remain silent, to consult with an attorney, or to have an attorney present. CNRF IG then placed (b)(6) (b)(7)(c) under oath, as authorized by U.S. Code, Title 5, Section 6. (b)(6) (b)(7)(c) then provided the following sworn testimony:

CNRF IG: The investigation that was done, did that include this cockroach issue?

(b)(6) (b)(7)(c): Absolutely, it did.

CNRF IG: And that was?

(b)(6) (b)(7)(c): And there was no evidence of hazing found. She [(b)(6) (b)(7)(c)] didn't--she's not a truthful person. She didn't reflect things--you know. Yes, she's not a truthful person. (b)(6) (b)(7)(c)  
Transcript, 14 March 2012, p. 17) (TAB 25)

---

<sup>5</sup> During the period in question, mean temperatures for the local area ranged from 44.4 degrees Fahrenheit to 62.3 degrees Fahrenheit, with the lowest temperature being recorded at 37.9 degrees Fahrenheit (source: <<http://weathersource.com/account/official-weather?location=02841&start-date=05%2F01...>>

(14) On 28 March 2012, with legal counsel present, (b)(6) (b)(7)(c) provided the following conflicting sworn testimony:

CNRF IG: After our discussion on 14 March, we talked about these alleged behaviors of having the officers lie down in the sand, putting their hands and legs up in the air, being called cockroaches, allegedly, and you said that there was an investigation conducted. Was that by OTC?

(b)(6) (b)(7)(c)

TAB 25)

(15) Concerning the 1 June 2010 communication between (b)(6) (b)(7)(c) and (b)(6) (b)(7)(c) provided the following sworn testimony:

(b)(6) (b)(7)(c)

---

<sup>6</sup> A four-digit code used to group officers into categories for personnel accounting and administrative purposes.

(b)(6) (b)(7)(c) [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(TAB 27)

(16) Concerning the decision to remove (b)(6) (b)(7)(c) from (b)(6) (b)(7)(c) duties associated with DCOIC, on 14 March 2012, (b)(6) (b)(7)(c) provided the following sworn testimony:

(b)(6) (b)(7)(c) [REDACTED]

(b)(6) (b)(7)(c) [REDACTED]

(b)(6) (b)(7)(c) [REDACTED]

---

<sup>7</sup> (b)(6) (b)(7)(c) was most likely referring to the email sent to Rear Admiral Graf, not Brown.



(b)(6) (b)(7)(c)

CNRF IG: So, the actual call, if you will, if there was a decision that she should not come back, that wouldn't have come from OTC?

(b)(6) (b)(7)(c) Transcript, 14 March 2012, p. 16)

(b)(6) (b)(7)(c)

CNRF IG: It might have been what? (b)(6) (b)(7)(c) Transcript, 14 March 2012, p. 16)

(b)(6) (b)(7)(c)

CNRF IG: And that decision--I understand about the piece regarding what you called unprofessional behavior in talking poorly about the schoolhouse in front of the students. (b)(6) (b)(7)(c) Transcript, 14 March 2012, p. 16)

(b)(6) (b)(7)(c)

CNRF IG: And did you say something about she was going outside the chain of command with her concerns as well? (b)(6) (b)(7)(c) Transcript, 14 March 2012, p. 17)

(b)(6) (b)(7)(c) I did, yes. (b)(6) (b)(7)(c) Transcript, 14 March 2012, p. 17)

CNRF IG: Was that part of this concern that OTC had, you've got this (b)(6) (b)(7)(c). (b)(6) (b)(7)(c) Transcript, 14 March 2012, p. 17)

(b)(6) (b)(7)(c): It was ancillary,<sup>8</sup> and it [pause] [sigh] it it it, you know, it was **separate but related** [emphasis added]. If that makes sense? It was not the basis for our concern for having her back up. The basis for our concerns for having her back up was her behavior with the students, the fact that she was undermining the training

---

<sup>8</sup> Merriam-Webster's Collegiate Dictionary Eleventh Edition defines ANCILLARY as: "1: SUBORDINATE, SUBSIDIARY <the main factory and its [ancillary] plants> 2: AUXILIARY, SUPPLEMENTARY <the need for [ancillary] evidence>."

(b)(6) (b)(7)(c)

14 March 2012, p. 17) (TAB 25)

(17) In an email dated 22 March 2012, after having been placed under oath, (b)(6) (b)(7)(c) writes:

June 2010 - (b)(6) (b)(7)(c)

(TAB 24)

According to (b)(6) (b)(7)(c), (b)(6) (b)(7)(c) contacted her within a few days of her contact with (b)(6) (b)(7)(c) (1 June 2010), but before 14 June 2010 (the date (b)(6) (b)(7)(c) forwarded to (b)(6) (b)(7)(c) the email she had sent to Rear Admiral Graf).

(18) **Review of the Five Elements** (b)(6) (b)(7)(c)).

Although (b)(6) (b)(7)(c) claims that the **reason** OTC desired to look to instructors other than (b)(6) (b)(7)(c) was due to (b)(6) (b)(7)(c) behavior with the students and the fact that she was undermining the training program, the evidence indicates that after (b)(6) (b)(7)(c) learned of (b)(6) (b)(7)(c), protected communications to both (b)(6) (b)(7)(c) and Rear Admiral Graf, she decided that (b)(6) (b)(7)(c) was no longer to (b)(6) (b)(7)(c) the DCOIC course. It is **not reasonable** for a Responsible Management Official to direct an unfavorable personnel action against a member of the Armed Forces in response to that member having made a protected communication. (b)(6) (b)(7)(c) specifically stated that her actions were "ancillary" and "separate but related" to (b)(6) (b)(7)(c) making protected communications outside of the chain of command. (b)(6) (b)(7)(c) also stated that she may have "influenced" (b)(6) (b)(7)(c) to stop sending (b)(6) (b)(7)(c) to OTC. (b)(6) (b)(7)(c) testimony establishes that her actions were **partially motivated** by her dissatisfaction with (b)(6) (b)(7)(c) protected communications, which were critical to the DCOIC course. **Consistency** was unable to be established. No **procedural errors** on the part of (b)(6) (b)(7)(c) were identified.

(19) **Review of the Five Elements** (b)(6) (b)(7)(c)).

According to (b)(6) (b)(7)(c), the **reason** she removed CDR (b)(6) (b)(7)(c) name from the schedule to (b)(6) (b)(7)(c) the Direct

Commission Officer Indoctrination Course (DCOIC) at OTC was in response to direction she received from (b)(6) (b)(7)(c) "to remove (b)(6) (b)(7)(c) from teaching the Direct Commission Officer Course." Although the actual chain of command from (b)(6) (b)(7)(c) Norfolk to OTC included (b)(6) (b)(7)(c) HQ, (b)(6) (b)(7)(c) decision to follow the direction of a senior naval officer who was the (b)(6) (b)(7)(c) of Officer Training Command—a command which (b)(6) (b)(7)(c) Norfolk supplied (b)(6) (b)(7)(c) to—was **reasonable**. Accordingly, (b)(6) (b)(7)(c) **motivation** was to carry out the direction of a senior officer, as well as the (b)(6) (b)(7)(c) of OTC. **Consistency** was unable to be established. No **procedural errors** on the part of (b)(6) (b)(7)(c) were identified.

(20) Based on a preponderance of the evidence, the allegation that, in June 2010, (b)(6) (b)(7)(c) OTC, Newport, Rhode Island, directed (b)(6) (b)(7)(c) Norfolk, to remove (b)(6) (b)(7)(c) name from the schedule to (b)(6) (b)(7)(c) the Direct Commission Officer Indoctrination Course (DCOIC) at OTC in reprisal for having made one or more protected communications, in violation of DoD Directive 7050.06, Military Whistleblower Protection (dated 23 July 2007) is **SUBSTANTIATED**.

(21) Based on a preponderance of the evidence, the allegation that, in June 2010, (b)(6) (b)(7)(c), (b)(6) (b)(7)(c) Norfolk, removed (b)(6) (b)(7)(c) name from the schedule to (b)(6) (b)(7)(c) the Direct Commission Officer Indoctrination Course (DCOIC) at OTC in reprisal for having made one or more protected communications, in violation of DoD Directive 7050.06, Military Whistleblower Protection (dated 23 July 2007), is **NOT SUBSTANTIATED**.

(22) Closely related to the allegation discussed above, is (b)(6) (b)(7)(c) ' belief that further requests to return to (b)(6) (b)(7)(c) duty under OTC (made in July 2011 and December 2011) were also denied in reprisal. In the Preliminary Inquiry, these alleged events had been identified as separate personnel actions. However, CNRF IG found no evidence suggestive of reprisal; rather, these denials were a reiteration of the decision made by (b)(6) (b)(7)(c) in June 2010. As no evidence was discovered linking (b)(6) (b)(7)(c) protected communications to positions articulated in July 2011 or December 2011, and as these positions were reiterations of (b)(6) (b)(7)(c) June 2010

decision, CNRF IG determined that further investigation was not warranted.<sup>9</sup> (TAB 17)

**b. UPA 2 Influenced (b)(6) (b)(7)(c) ' 23 May 2011 Fitness Report (15 June 2010).** CNRF IG determined there was insufficient evidence to support the allegation.

(1) **Standard.** DoDD 7050.06 states: "No person may take or threaten to take an unfavorable personnel action, or withhold or threaten to withhold a favorable personnel action, in reprisal against any member of the Armed Forces for making or preparing to make a protected communication" (DoDD 7050.06 paragraph 4.4).

(2) **Guidance.** IGDG 7050.6, Guide to Military Reprisal Investigations states: "The responsible management official(s) are: The official(s) who influenced or recommended to the deciding official that he/she take,

<sup>9</sup> In examining the possible influence (b)(6) (b)(7)(c) OTC; (b)(6) (b)(7)(c), OTC; or (b)(6) (b)(7)(c) HQ, may have had concerning subsequent decisions related to (b)(6) (b)(7)(c), it should be noted that (b)(6) (b)(7)(c) did not (b)(6) (b)(7)(c) of OTC until 10 June 2010; that (b)(6) (b)(7)(c) did not (b)(6) (b)(7)(c) of (b)(6) (b)(7)(c) HQ until December 2010; and that (b)(6) (b)(7)(c) did not arrive onboard OTC as (b)(6) (b)(7)(c) until September 2011. As such, neither (b)(6) (b)(7)(c), nor (b)(6) (b)(7)(c) were in place when (b)(6) (b)(7)(c) was onboard OTC (March 2010 and April 2010). Additionally, there is no evidence that (b)(6) (b)(7)(c) had been involved in the original decision (June 2010) that (b)(6) (b)(7)(c) was no longer to (b)(6) (b)(7)(c) at OTC.

In examining the December 2011 request, CNRF IG discovered two emails dated 2 December 2011. The first is from (b)(6) (b)(7)(c) to (b)(6) (b)(7)(c) writes: (b)(6) (b)(7)(c) . The second email is from (b)(6) (b)(7)(c) to (b)(6) (b)(7)(c) . (b)(6) (b)(7)(c) writes: "Hi (b)(6) (b)(7)(c) - as a (b)(6) (b)(7)(c) ."

(TAB 17)

In sworn testimony taken on 8 January 2013, (b)(6) (b)(7)(c) stated that, although he had been briefed by (b)(6) (b)(7)(c) concerning the email (b)(6) (b)(7)(c) had sent to Rear Admiral Graf, he had no specific knowledge concerning any decision that (b)(6) (b)(7)(c) was not permitted to teach at DCOIC. (TAB 23)

withhold, or threaten the action" (IGDG 7050.6, paragraph 2.5).

(3) On 5 March 2012, CNRF IG conducted a phone interview with (b)(6) (b)(7)(c) HQ. During this interview, (b)(6) (b)(7)(c) explained that, while she was the (b)(6) (b)(7)(c) of (b)(6) (b)(7)(c) HQ, she was contacted by (b)(6) (b)(7)(c), (b)(6) (b)(7)(c) Naval Service Training Command (NSTC), who was inquiring about a communication sent by (b)(6) (b)(7)(c) to Rear Admiral Robin Graf, Deputy, Navy Recruiting Command. **Investigating Officer Note: The communication in question has been identified as Protected Communication Number FOUR (dated May 2010).** According to (b)(6) (b)(7)(c), after communicating with (b)(6) (b)(7)(c) she contacted her subordinate commander, (b)(6) (b)(7)(c) Norfolk, and inquired about the alleged communication made by (b)(6) (b)(7)(c). (TAB 28)

(4) Direct evidence indicates that, on 14 June 2010, (b)(6) (b)(7)(c) sent an email to (b)(6) (b)(7)(c), which reads: "Also - Please send a copy of the letter/email sent to Admiral Graf." (TAB 11)

(5) Direct evidence also indicates that, on 14 June 2010, (b)(6) (b)(7)(c) forwarded an electronic copy of the email she had previously sent to Rear Admiral Graf (in May 2010) to (b)(6) (b)(7)(c). (b)(6) (b)(7)(c)' email reads:

(b)(6) (b)(7)(c)

(TAB 12)

(6) After (b)(6) (b)(7)(c) had sent the above-mentioned email to (b)(6) (b)(7)(c) (on 14 June 2010), (b)(6) (b)(7)(c) forwarded it to (b)(6) (b)(7)(c) (on 15 June 2010). Once (b)(6) (b)(7)(c) had received the email, she forwarded the entire email string to (b)(6) (b)(7)(c) (on 15 June 2010). [SKEs 8 & 9] (TAB 13)

(7) In sworn testimony taken on 6 February 2013, (b)(6) (b)(7)(c) stated that, after she had forwarded (b)(6) (b)(7)(c) email to (b)(6) (b)(7)(c) (on 15 June 2010), (b)(6) (b)(7)(c) allegedly made the following comments:

(b)(6) (b)(7)(c)

CNRF IG: Right, right. So the uh, after, and it looks like it's June 14 is when you had reached out to (b)(6) (b)(7)(c) for a copy of that [email to Rear Admiral Graf], and I think she gets back up to you about June 16, 2010, um, and then you had sent it to (b)(6) (b)(7)(c), **was it right after that, that, that she had commented on the uh, that the issue be reflected in the FITREP** [emphasis added]?

(b)(6) (b)(7)(c) **Yes** [emphasis added].

CNRF IG: Okay and, and would that, the idea that, that you understood was that reaching out, going outside the Chain of Command, not using the Chain of Command, was that what the deficiency was?

(b)(6) (b)(7)(c)

(b)(6) (b)(7)(c)

(b)(6) (b)(7)(c)

(b)(6) (b)(7)(c)

(8) Although (b)(6) (b)(7)(c) indicated that the final version of (b)(6) (b)(7)(c) ' Fitness Report "didn't have anything to do with (b)(6) (b)(7)(c) comments allege that (b)(6) (b)(7)(c) "influenced or recommended to the deciding official [(b)(6) (b)(7)(c)] that he/she take, withhold, or threaten the action" (IGDG 7050.6). As such, CNRF IG identified (b)(6) (b)(7)(c) as a responsible management official and interviewed her concerning the alleged comments.

(9) On 20 February 2013, CNRF IG conducted an interview with (b)(6) (b)(7)(c). After having been read her Article 31(b) Rights, and after having waived her right to remain silent, her right to seek legal counsel, and her right to have legal counsel present during the interview (see (b)(6) (b)(7)(c) Transcript, 20 February 2013, p. 1), (b)(6) (b)(7)(c) denied having any knowledge concerning the conversation described above between her and (b)(6) (b)(7)(c). (TAB 28)

(b)(6) (b)(7)(c)

(10) (b)(6) (b)(7)(c) stated that she believed (b)(6) (b)(7)(c) was lying and using her (b)(6) (b)(7)(c) as a scapegoat (see transcript). According to (b)(6) (b)(7)(c), (b)(6) (b)(7)(c) ' **"actions to go outside of the chain of command [did] not promote [pause] good Navy climate"** (b)(6) (b)(7)(c) Transcript, 20 February 2013, page 4) and that she (b)(6) (b)(7)(c) ) **"would get her [i.e., (b)(6) (b)(7)(c)] for Command or**

Organizational Climate/Equal Opportunity [and]...also [pause] for Teamwork" [emphasis added] ((b)(6) (b)(7)(c)) Transcript, 20 February 2013, page 13). (TAB 28) The following testimony was provided by ((b)(6) (b)(7)(c))

((b)(6) (b)(7)(c))

CNRF IG: And that would be because she had communicated directly with Admiral, to Admiral Graf without using the chain of command?

((b)(6) (b)(7)(c))

((b)(6) (b)(7)(c))

((b)(6) (b)(7)(c))

CNRF IG: Because she didn't use the chain of command?

((b)(6) (b)(7)(c))

((b)(6) (b)(7)(c))